

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 John Michael Bale,

11 Plaintiff,

12 v.

13 Russell D Hauge,

Defendant.

CASE NO. 3:14-cv-05572-RBL

ORDER OF DISMISSAL

14 THIS MATTER is before the Court on Magistrate Judge Creatura's Report and

15 Recommendation (under 28 U.S.C. § 1915A) that Plaintiff's complaint be dismissed without

16 prejudice to his filing a habeas corpus petition, and on Plaintiff's own motion seeking dismissal

17 of his case without prejudice. Plaintiff, who is prisoner proceeding *in forma pauperis*, also asks

18 the court to order the agency having custody over him to stop collecting and forwarding to this

19 court the filing fee required under 28 U.S.C. § 1915(b)(1).

20 For the reasons articulated in the Report and Recommendation, the case is DISMISSED

21 WITHOUT PREJUDICE, and the current filing counts as a strike under 28 U.S.C. § 1915(g). The

22 agency housing Mr. Bale should **cease** collecting and forwarding to this court the filing fee for this

1 action, but there will not be any refund of funds already collected and paid to the Court. Otherwise,
2 Plaintiff's own Motion to Dismiss is DENIED AS MOOT. The matter is closed.

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4 IT IS SO ORDERED.

5 Dated this 19th day of August, 2014.

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8 RONALD B. LEIGHTON
9 UNITED STATES DISTRICT JUDGE

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